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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSHUA A. MARTINEZ,

14 Defendant.  
15

Case No. 2:21-cr-00219-APG-DJA

**Motion To Modify Conditions Of  
Release**

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17 Joshua Martinez respectfully moves the Court to modify his conditions of  
18 release to permit him to travel to Las Vegas once a week to sell his produce at a  
19 Saturday farmer's market. The government opposes this request.  
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### Points and Authorities

The Bail Reform Act permits the presiding judicial officer to, at any time, amend the detention order “to impose additional or different conditions of release.” 18 U.S.C. § 3142(c)(3). Mr. Martinez submits that allowing him to travel to Las Vegas once a week for employment purposes, under the same restrictions currently governing his travel to Las Vegas, will continue to reasonably assure safety to the community as well Deputy DA Michael Dickerson and Detective Ken Mead. *See* ECF No. 13 at 6; 18 U.S.C. § 3142(c)(1)(B) (the Act requires imposition of “the least restrictive” conditions that “will reasonably assure the appearance of the person as required and the safety of any other person and the community”); *see also United States v. Chen*, 820 F.Supp. 1205, 1208 (N.D. Cal. 1992) (“Section 3142 does not seek ironclad guarantees”).

On September 10, 2021, Magistrate Judge Koppe ordered Mr. Martinez’s release on a personal recognizance bond with certain conditions, including home detention with GPS monitoring. ECF No. 13 at 5. Mr. Martinez is required to actively seek lawful and verifiable employment. *Id.* at 4. His home detention condition allows him to leave his residence for employment purposes. *Id.* at 5.

Mr. Martinez is self-employed: he spent his time on home detention developing and growing “Joshua and Sons Farm.” He currently sells produce directly from the farm but would like to expand his customer base to Las Vegas, where there is a greater demand for farm-fresh produce compared to his local area where many homeowners grow their own food. The market—Intuitive Forager Farmers Markets—is held every Saturday from 9am to 2pm at 816 South Commerce Street, which is in the Arts District of Las Vegas (*see* <https://www.facebook.com/IntuitiveForagerFarmersMarkets/>).

1 Mr. Martinez has been on pretrial supervision for more than 26 months  
2 with no violations. *See* ECF No. 6. He is currently permitted to travel to Las  
3 Vegas to make appearances in state and federal court, to meet with his attorneys,  
4 for drug testing and treatment purposes, and to see his children. ECF No. 13 at 6.  
5 He is required to have prior permission from his pretrial services officer before  
6 traveling to Las Vegas and to explain where he is going and the times he is going.  
7 *Id.*

8 He asks the Court to modify his conditions to permit him to travel to Las  
9 Vegas on Saturdays to sell produce at the Intuitive Forager Farmers Market  
10 from 9am to 2pm. He asks for permission to arrive after 8am and leave by 3pm to  
11 allow for set up and take down of his market stall. He makes this request subject  
12 to the same requirements that he has prior permission from his pretrial services  
13 officer before traveling to Las Vegas and explains where he is going and the times  
14 he is going. Mr. Martinez's pretrial services officer supports this requested  
15 modification.

16 DATED: November 22, 2023.

17 RENE L. VALLADARES  
18 Federal Public Defender

19 By: /s/ Joanne L. Diamond

20 JOANNE L. DIAMOND  
21 Assistant Federal Public Defender  
22 Attorney for Joshua A. Martinez  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA A. MARTINEZ,

Defendant.

Case No. 2:21-cr-00219-APG-DJA

**ORDER**

IT IS THEREFORE ORDERED that Mr. Martinez's conditions of release be modified to allow him to travel to Las Vegas on Saturdays to sell produce at the Intuitive Forager Farmers Market from 9am to 2pm. He may arrive after 8am and leave by 3pm to allow for set up and take down of his market stall. This modification is subject to the existing requirement that he has prior permission from his pretrial services officer before traveling to Las Vegas and explains where he is going and the times he is going.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE